

BILL ANALYSIS

Senate Research Center

H.B. 1379
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State Affairs
5/20/2005
Committee Report (Amended)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

It is not uncommon for businesses that have been the losing party on identity theft fraud cases to create a firewall against the victim of the identity theft by refusing to disclose names, addresses, telephone numbers, or other pertinent investigative information relative to the case out of fear that further disclosure could lead to additional risk of liability on the part of the business.

H.B. 1379 provides an exception from civil liability for sharing such information in the course of an investigation by a law enforcement agency and would thus alleviate the business' fear of cooperating.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 18, Civil Practice and Remedies Code, by adding Section 18.062, as follows:

Sec. 18.062. CERTAIN INFORMATION RELATING TO IDENTITY THEFT.
Provides that a statement or writing is not admissible in a civil action if the statement or writing meets certain criteria.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2005.

SUMMARY OF COMMITTEE CHANGES

Amends H.B. 1379 as follows:

- (1) On page 1, line 16 by striking "; and" and substituting "."
- (2) On page 1, lines 17-18, by striking "(2) offered to prove liability of the seller, employee, or agent for damages arising from the alleged violation."